

04-16-04

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**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
344-P-26-USA

In Re Application Of: **D uglas D. Burkett**

Serial No.  
09/937,632

Filing Date  
January 22, 2002

Examiner  
Deborah C. Lambkin

Group Art Unit  
1626

Invention: **IN VIVO STAIN COMPOUNDS AND METHODS OF USE TO IDENTIFY  
DYSPLASTIC TISSUE**



Attention: Office of Petitions  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
**APR 21 2004**  
**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: Amendment, Response and Request for Reconsideration

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☐ A small entity declaration:

☐ is enclosed. ☒ was filed on January 22, 2002

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**Calculation and Payment of Fees**

Enclosed are the following fees:

- |  |                             |
|--|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:                   | <u>\$665.00</u>             |
| 8. <input type="checkbox"/> Fee for amendment in the amount of:  | <u>                    </u> |
| 9. <input checked="" type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u>\$475.00</u>             |
| 10. <input type="checkbox"/> Issue fee in the amount of:   | <u>                    </u> |
| 11. <input type="checkbox"/> Continuing application filing fee in the amount of:                             | <u>                    </u> |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                                       | <u>                    </u> |
| 13. <input type="checkbox"/> _____   | <u>                    </u> |
| Total fees enclosed:   | <u><b>\$1,140.00</b></u>    |

The fee of **\$1,140** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. \_\_\_\_\_

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**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

  
*Signature*

Dated: **April 14, 2004**

**David G. Duckworth  
DRUMMOND & DUCKWORTH  
5000 Birch Street  
Suite 440 East Tower  
Newport Beach, CA 92660  
(949) 724-1255**

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Correspondence*

CC: